

## Board Members

Maryann Santos de Barona, Ph.D.  
Chairperson  
James J. Cox, Ed.D.  
Vice-Chairperson  
Joseph C. Donaldson  
Secretary  
Gary D. Lovejoy, Ph.D.  
Miki Paul, Ph.D.  
Byron N. Rimm  
Michael J. Rohrbaugh, Ph.D.  
Fred Wiggins, Ph.D.  
Vacant – Public Member



## State of Arizona Board of Psychologist Examiners

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## Staff

Maxine McCarthy  
Executive Director  
  
Marcus E. Harvey  
Deputy Director  
  
Korena Schaaf  
Investigator  
  
Shari S. Courtney  
Administrative  
Assistant

## REGULAR SESSION MINUTES

*Friday, December 2, 2005*

1400 West Washington  
Basement Conference Room, #B-1  
Phoenix, AZ 85007

### 1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairperson Santos de Barona at 8:30 a.m. on Friday, December 2, 2005. One Executive Session was held from 307 p.m. to 3:13 p.m. for the purpose of obtaining confidential legal advice from the Board's attorney.

### 2. ROLL CALL

#### Board Members Present

Maryann Santos de Barona, Ph.D. - Chairperson  
James J. Cox, Ed.D. - Vice-Chairperson  
Joseph C. Donaldson - Secretary  
Gary D. Lovejoy, Ph.D.  
Miki Paul, Ph.D.  
Byron N. Rimm  
Michael J. Rohrbaugh, Ph.D.<sup>1</sup>  
Fred Wiggins, Ph.D.

#### Board Members Absent<sup>2</sup>

None

#### Staff Present

Maxine McCarthy, Executive Director  
Marcus Harvey, Deputy Director  
Korena Schaaf, Investigator  
Shari Courtney, Administrative Assistant

#### Attorney General's Office

Elizabeth Campbell, Esq.  
Assistant Attorney General

#### Solicitor General's Office<sup>3</sup>

Mary Jo Foster, Esq.  
Assistant Attorney General

### 3. REMARKS/ANNOUNCEMENTS

Dr. Santos de Barona recognized Dr. Rohrbaugh's five years of service on the Board and to the science of the profession of psychology. Dr. Rohrbaugh then had remarks, thanking the Board. Dr. Santos de Barona next stated that documentation was available for licensees who wished to receive continuing education credit for attending Board meetings and explained the procedures for documenting the attendance. She also announced that anyone was welcome to complete a Board meeting assessment survey.

<sup>1</sup> Dr. Rohrbaugh left the meeting at 3:20 p.m. and was not present for agenda item nos. 10-13, 19 or 20.

<sup>2</sup> There was currently a vacancy on the Board for a public member position.

<sup>3</sup> Present only for Agenda item nos. 9 and 10.

#### **4. APPROVAL OF MINUTES**

- **Regular Session – October 7, 2005** – A motion was made by Dr. Lovejoy, seconded by Dr. Cox, and unanimously carried (8-0), to approve the October 7, 2005 Regular Session minutes.
- **Executive Session – October 7, 2005** – A motion was made by Dr. Paul, seconded by Dr. Cox, and unanimously carried (8-0), to approve the October 7, 2005 Executive Session minutes.
- **Regular Session – November 5, 2005** – A motion was made by Dr. Lovejoy, seconded by Dr. Cox, and unanimously carried (6-0-2), with Drs. Paul and Rohrbaugh abstaining from the vote, to approve the November 5, 2005 Regular Session minutes.
- **Regular Session – November 21, 2005** – Finally, a motion was made by Dr. Cox, seconded by Dr. Wiggins, and unanimously carried (5-0-3), with Drs. Rohrbaugh and Paul and Mr. Rimm abstaining from the vote, to approve the November 21, 2005 Regular Session minutes.

#### **5. ELECTION OF OFFICERS**

Dr. Santos de Barona noted that the time had come to elect a new slate of officers for the term of January 1, 2006 through December 31, 2006. She nominated Dr. Cox for the position of Chairperson, which was seconded by Dr. Lovejoy, and unanimously carried (8-0). Dr. Lovejoy then nominated Dr. Paul for the position of Vice-Chairperson, which was seconded by Dr. Cox and unanimously carried (8-0). Finally, a nomination was made by Dr. Paul, seconded by Dr. Cox, and unanimously carried (8-0), to elect Dr. Lovejoy as Secretary of the Board.

#### **6. CALL TO THE PUBLIC**

Chairperson Santos de Barona gave the public the opportunity to address the Board at this time but no one wished to speak.

#### **7. INFORMAL INTERVIEW – LEONARD J. CABIANCA, Ph.D. – No. 05-11**

Dr. Santos de Barona noted that it was the time and place for the informal interview of Dr. Leonard Cabianca. Drs. Lovejoy and Paul recused themselves from participation in this case. Dr. Cabianca was present with his attorney, Paul Giancola, Esq., who introduced themselves, as did Board members and Staff. Ms. Campbell was also present as legal counsel for the Board. Dr. Cabianca was sworn in by the court reporter present, whose transcript shall serve as the official record of the proceeding. Mr. Giancola made a statement to the Board, after which Board members proceeded to interview Dr. Cabianca.

The Complainant then made a statement to the Board after being sworn in by the court reporter. Mr. Giancola then made a closing statement to the Board. Board members proceeded to deliberate, after which a motion was made by Dr. Rohrbaugh, seconded by Mr. Donaldson, and carried (4-2-2), with Dr. Cox and Mr. Rimm voting no, to dismiss the case because it was without merit.

#### **8. INFORMAL INTERVIEW – DEBRA L. MERRIFIELD, Psy.D. – No. 05-12**

Dr. Santos de Barona noted that it was the time and place for the informal interview of Dr. Debra Merrifield. Drs. Lovejoy and Paul again recused themselves from participation in this case. Dr. Merrifield was present with her attorney, Paul Giancola, Esq., who introduced themselves, as did Board members and Staff. Ms. Campbell was also present as legal counsel for the Board. Dr. Merrifield was sworn in by the court reporter present, whose transcript shall serve as the official record of the proceeding. Mr. Giancola made a statement to the Board, after which Board members proceeded to interview Dr. Merrifield.

The Complainant then made a statement to the Board after being sworn in by the court reporter and answered questions from the Board. Mr. Giancola then made a closing statement to the Board. Board members then proceeded to deliberate, after which a motion was made by Mr. Rimm, to find Dr. Merrifield in violation of the mandatory reporting statute. After clarification from

the Board's attorney, Mr. Rimm withdrew the motion. Dr. Wiggins then made a motion, seconded by Mr. Donaldson, which failed (3-3-2), with Mr. Rimm, and Drs. Cox and Santos de Barona voting no, to dismiss the case because it was without merit. A motion was then made by Dr. Santos de Barona, seconded by Mr. Rimm, which failed (3-3-2), with Drs. Rohrbaugh and Wiggins and Mr. Donaldson voting no, to issue a letter of concern to Dr. Merrifield expressing the Board's concern that she failed to file an incident report with the Office of Behavioral Health Licensure. A motion was then made by Mr. Rimm, seconded by Dr. Rohrbaugh, and carried (5-1-2), with Dr. Cox voting no, to dismiss the case because it was without merit.

**9. HEARING ON DENIAL OF LICENSE APPLICATION – THOMAS ANDERSON, Psy.D.**

Dr. Santos de Barona announced that it was time and place for the hearing on denial of licensure of the application of Thomas Anderson, Psy.D. Dr. Anderson addressed the Board via telephone and was represented in person by Larry Cohen, Esq. They introduced themselves as did Board members and Staff. Ms. Campbell was present representing the State, and Mary Jo Foster, Esq., from the Solicitor General's Office, was present as legal counsel for the Board. A court reporter was also present and the transcript shall serve as the official record of the proceeding. Mr. Cohen made an opening statement to the Board, after which Ms. Campbell also made an opening statement. Dr. Anderson was then sworn in by the court reporter and answered questions from his attorney and Board members. Ms. Campbell then called Mr. Harvey as a witness who answered her questions as well as those from Mr. Cohen. Mr. Cohen then made a closing statement to the Board, followed by a closing statement from Ms. Campbell. Mr. Cohen then made another statement to the Board, after which Board members proceeded to deliberate. A motion was made by Dr. Lovejoy and seconded by Dr. Wiggins, which was withdrawn after further discussion, to offer Dr. Anderson a consent agreement, placing him on probation for 90 days. A motion was then made by Dr. Lovejoy, seconded by Dr. Paul, and unanimously carried to move into Executive Session for the purpose of obtaining confidential legal advice from the Board's attorney.

Upon return to open session, Board members resumed deliberations. Dr. Lovejoy made a motion which was seconded by Dr. Wiggins, to grant a license by consent agreement to Dr. Anderson, finding him in violation of A.R.S. § 32-2061(A)(13)(n), which constitutes a failure to meet A.R.S. § 32-2071.01(A)(4), and to issue him a decree of censure. The Board concluded that Dr. Anderson had taken the appropriate and necessary steps to become re-licensed by the State of Florida, had no other disciplinary history for unprofessional conduct, and otherwise met all requirements for the issuance of a license to practice psychology in the State of Arizona. The motion carried (7-1), with Dr. Cox voting no.

**10. DISCUSSION/DECISION REGARDING PROPOSED CONSENT AGREEMENT – STEVEN HENDERSON, Ph.D. – No. 05-40**

Dr. Santos de Barona noted that it was the time and place to discuss the proposed consent agreement with Steven Henderson, Ph.D. A court reporter was also present, whose transcript shall serve as the official record of the proceeding. Ms. Campbell explained to the Board the terms of the proposed consent agreement. Dr. Henderson's attorney, Richard Lougee, Jr., Esq., addressed the Board telephonically. Mr. Lougee made a statement to the Board indicating that Dr. Henderson is in substantive agreement with the proposal. Board members discussed the consent agreement and some modifications, and Mr. Lougee answered clarifying questions. Dr. Lovejoy made a motion, seconded by Dr. Paul, and unanimously carried (7-0-1), with Dr. Rohrbaugh no longer present, to accept the proposed consent agreement as modified by the discussion. Ms. Campbell confirmed with Mr. Lougee that he had signed the stipulated agreement to vacate the December 14, 2005 summary suspension hearing before the Office of Administrative Hearings, in light of this consent agreement, and addressed some other administrative issues with Mr. Lougee.

**11. CASE DISCUSSION/DECISION**

• **DAVID E. POOL, Psy.D. – No. 05-36**

Ms. McCarthy explained that the Board should keep the issues of Case No. 05-36 distinct from Dr. Pool's request to modify his Board order regarding Case Nos. 04-27 and 05-22. Board

members discussed the case after which a motion was made by Dr. Lovejoy, seconded by Dr. Cox, and unanimously carried (7-0-1), with Dr. Rohrbaugh absent, to offer Dr. Pool a consent agreement to a decree of censure, finding him in violation of A.R.S. § 32-2061(A)(13)(aa) in that he violated the Board order that he was on which had placed him on medical inactive status by advertising that he offered psychological services on e-Bay under the alias of Lee Kensington, Ph.D. If Dr. Pool did not accept the consent agreement, he would be informed that the matter would be placed on a future agenda for formal hearing and consideration of revocation of his license.

**12. DISCUSSION/DECISION REGARDING REQUEST FOR MODIFICATION OF BOARD ORDER DATED AUGUST 8, 2005**

Dr. Santos de Barona explained that Dr. Pool had requested that the Board modify his consent agreement due to his financial inability to meet the requirements of the Board order. Board members discussed the request after which a motion was made by Dr. Paul, seconded by Mr. Rimm, and carried (5-2-1), with Drs. Lovejoy and Wiggins voting no and Dr. Rohrbaugh no longer present, to deny Dr. Pool's request to modify his Board order.

**13. DISCUSSION/DECISION REGARDING INFORMATION RECEIVED REGARDING BURKE BRETZING, Ph.D.**

Ms. McCarthy explained that the Board needed to review the information that the Board had obtained from *The Arizona Republic* to decide whether to open a Board versus complaint. After some discussion, Dr. Paul made a motion, seconded by Dr. Cox, and unanimously carried (7-0-1), with Dr. Rohrbaugh no longer present, to open a complaint against Dr. Bretzing.

**14. COUNSEL REPORTS – Litigation – Discussion/Decision Regarding:**

- **Kalas v. Board – CV2004-0200** – Ms. Campbell updated the Board regarding Dr. Kim Kalas' special action case against the Board members and the Executive Director in their official capacities. While the Superior Court of Coconino County initially dismissed this case, Ms. Campbell stated that Dr. Kalas filed what was basically a motion for reconsideration. Ms. Campbell reported that she has filed a response to that motion and that Dr. Kalas had filed a reply, so both parties were now again waiting to see if the case would ultimately be dismissed or proceed forward.

**15. EXECUTIVE DIRECTOR'S REPORT**

- **Financial** – Ms. McCarthy reported that at the end of October, four months into this fiscal year, the Board had spent 33%, or approximately \$109,000 of its appropriation, which was right on track with projected expenditures at this point in the year.

If the Legislature conducted its budget hearings in January, Ms. McCarthy continued, she should be able to report at the February Board meeting as to the amount of money that would be appropriated for the next fiscal year.

- **Update – Legislative Issues** – Ms. McCarthy then informed the Board that after it approved the final draft of the statutes changes at the November 5<sup>th</sup> Board meeting, they were provided to the Board's lobbyist who worked with Legislative Council to put the proposed legislation into the Senate bill format and then provided the Board with a draft. Ms. McCarthy reported that she and Mr. Harvey had made some formatting changes, clarified the intent of some of the proposals, and sent them back to the lobbyist. This included the removal of the Proposition 108 language in the bill that would have required that the bill receive a 2/3<sup>rd</sup> majority vote of the Legislature. At this point, Ms. McCarthy reported, the bill would be assigned a number and then make its way through the legislative process. If, during the process any urgent issues came up, Ms. McCarthy announced, the Board might have to convene some extra conference call meetings to deal with them.

**16. LICENSING REPORT**

- **New Licenses Issued** – Mr. Harvey reported that the Board had licensed the following eight

psychologists since the November 5, 2005 meeting, one of them by credential:

3749	Fiona Burrows, Psy.D.	3753	Christina Durham, Ph.D.
3750	Benjamin Bushman, Ph.D.	3754	Athanasia Sipsas-Herrmann, Ph.D.
3751	Kimberly Carroll, Psy.D.	3755	Andrew Jones, Ph.D.
3752	Kathryn Doyle, Ph.D.	3756	Roxanne Bonfiglio, Psy.D.

Mr. Harvey noted that the Board had issued 66 new licenses this year, which was the same amount that the Board had issued by this time last year.

- **EPPP Results** – Mr. Harvey then reported that the following four applicants had passed the Examination for Professional Practice in Psychology in October, with none failing:

<b><u>Pass</u></b>	<b><u>Fail</u></b>
Roxanne Bonfiglio, Psy.D.	None
Kimberly Carroll, Psy.D.	
Kathryn Doyle, Ph.D.	
Athanasia Sipsas-Herrmann, Ph.D.	

Mr. Harvey then reminded the Board that it had adopted a one-year exam deadline rule in which applicants had to take their EPPP with one year of being approved by the Board. Every applicant who was approved for the test prior to January 1, 2005 had until the end of the year to take the exam, Mr. Harvey stated. At this time, he reported, the Board had 15 applicants whose exam eligibility would expire on December 31, 2005, some of whom were approved for the EPPP as far back as 2000 and 2001. If these applicants did not take the test or request an extension of their deadline by the end of the year, Mr. Harvey announced, their application files would be administratively closed.

- **New Applications** – Mr. Harvey reported that the Board had received 10 new applications over the past month. This made a total of 102 applications received this year, which compared to 88 applications received by this time last year.

Finally, Mr. Harvey reported that Gary Denny, Ph.D. had withdrawn his application for licensure due to a coursework deficiency, and that he might attempt to remedy that and then reapply for licensure at a future date.

## 17. INVESTIGATIONS REPORT

- **New Cases Received** – Ms. Schaaf reported that the Board had received 41 new cases this calendar year, which compared to 48 received by this time last year. Eight of these new cases had been received since the October Board meeting.
- **Cases Resolved** – Ms. Schaaf next reported that 44 cases had been resolved this year, which compared to 48 cases resolved by this time last year, seven since the October Board meeting. The average number of days to resolve cases was 91 this year, compared to 97 days last year.
- **Probation Update** – Ms. Schaaf reminded the Board that the following six psychologists were on probation:
- David Biegen, Ph.D.
  - Eugene Campbell Ph.D.
  - Leslie Westfield-Metellus, Ph.D.
  - Holliday Milby, Ph.D.
  - Charulata Nadig, Psy.D.
  - Frank Powers, Ph.D.

Ms. Schaaf then reported that the following four psychologists had been released from probation since the October Board meeting:

- William Beaver, Ph.D.
- Lydia Garrett, Ph.D.

- **Charles Jenkins, Ph.D.**
- **John Stapert, Ph.D.**

Finally, Ms. Schaaf reported that **Scott Storm, Psy.D.**, remained on a rehabilitation order.

## 18. **DISCUSSION/DECISION REGARDING APPLICATIONS FOR LICENSURE**

### ➤ **REQUESTS FOR EXAMINATION**

Dr. Paul made a motion, seconded by Dr. Lovejoy, and unanimously carried (8-0), that the following applicants, having met the requirements of A.R.S. § 32-2071 and A.A.C. R4-26-203, be approved to sit for the Examination for Professional Practice in Psychology (EPPP), and for licensure upon receipt of a passing score on the Examination, and payment of the pro-rated original license fee:

- **Stephen Blad, Ph.D.**
- **Demetria Brown, Psy.D.**
- **Sally Davey, Psy.D.**
- **Heath Kilgore, Psy.D.**
- **Virginia Lawrence, Ph.D.**
- **Shakira Simmons, Psy.D.**
- **Darcy Sowards, Psy.D.**

### ➤ **REQUEST FOR LICENSURE**

Dr. Paul then made a motion, seconded by Dr. Lovejoy, and unanimously carried (8-0), that **Michael Breus, Ph.D.**, having met the requirements of A.R.S. § 32-2071.01(A), be approved for licensure upon payment of the pro-rated original license fee.

### ➤ **RATIFICATION OF LICENSE ISSUED BY CREDENTIAL**

Dr. Paul made another motion, seconded by Dr. Lovejoy, and unanimously carried (8-0), to ratify the issuance of licensure by credential to **Thomas Merrill, Ph.D.**, who had met the requirements of A.R.S. § 32-2071.01.

Dr. Paul then announced that the following applications remained ongoing:

- **Linda Cunningham, Ph.D.**
- **Tracy Heinz, Psy.D.**
- **Patricia Hernandez, Psy.D.**
- **Jennifer Lafferty, Ph.D.**
- **Bruce Leininger, Ph.D.**
- **Lynette Small, Ph.D.**

Finally, Dr. Paul recognized the hard work of Dr. Lovejoy and Mr. Harvey with herself over the past year on the Applications Review Committee ("ARC"), and presented them both with a hat as a memento, bearing the initials "ARC".

## 19. **PRESENTATION: MEDICAL COLLABORATION DEMONSTRATION PROPOSAL**

Dr. Jack Wiggins addressed the Board regarding his proposal for a medical collaboration demonstration to show that psychologists trained in psychopharmacology and collaborating with medical practitioners can provide "best practices" mental care in the state health care systems. He answered Board members questions regarding the proposal and promised to keep the Board informed as the effort progresses.

**20. ADJOURNMENT**

There being no further business to come before the Board, a motion was made by Dr. Paul, seconded by Dr. Lovejoy, and unanimously carried (7-0-1), with Dr. Rohrbaugh no longer present, to adjourn the meeting at 4:58 p.m.

**Prepared by:**

**Marcus Harvey  
Deputy Director**

**Respectfully submitted,**

**/s/ Joseph C. Donaldson  
Secretary**